

REMARKS

This amendment is in response to the final Office Action mailed August 1, 2003, the Advisory Action mailed October 20, 2003, and the RCE filed herewith. In the RCE transmittal, Applicant requested that the Amendment mailed October 1, 2003 not be entered and that the present response serve as a reply to the Office action mailed August 1, 2003. Applicant gratefully acknowledges Examiner's statement that "[c]laims 39-41 are allowed."

Claims 2, 5, 8, 11, 24, 28, 36, and 41 are currently amended, claims 1, 4, 10, 12-23, and 42-43 are currently canceled, claims 44-49 are newly added. Thus, claims 2-3, 5-9, 11, 24-41, and 44-49 are pending in this application.

DRAWINGS

The Examiner objected to the drawings. The Examiner stated that "the first free edge bent toward the first portion and the second free edge bent toward the second portion as defined in claims 1, 15, 24, 28, and 42 must be shown or the feature(s) canceled from the claim(s)." The claims have been amended to remove this feature therefrom.

SPECIFICATION AMENDMENTS

The Examiner objected to the specification as failing to provide proper antecedent basis for the claimed subject matter. The Examiner stated that "the specification fails to state that the first free edge is bent toward the first portion and the second free edge is bent toward the second portion." The specification has been amended to remove the "bent toward" phrase and further amended to state the proper relationship between the free edges, flanges, and portions. More

specifically, the specification has been amended at pages 11 and 12 to state that the flanges of various embodiments are bent with respect to planar portions or surfaces. These amendments to the specification verbalize features of the embodiments that are shown in original FIGS. 7-10. The paragraph on page 13 was amended to correct a grammatical error. Thus, these amendments are at least clearly supported by original FIGS. 7-10, and do not add new matter. These amendments should also make the Examiner's objections moot.

35 USC §112 CLAIM REJECTIONS

The Examiner rejected claims 1-38, 42 and 43 as being indefinite. The Examiner states that these claims are misdescriptive. Claims 1, 4, 10, 12-23, and 42-43 have been canceled. Claims 24, 28, and 42 have been amended to remove the word "towards" and to describe the relationship between the bent flanges and first and second portions using degrees. Thus, the Examiner's rejection should now be moot.

In addition, claim 24 has been amended to clarify the subject matter of the present invention. Amended independent claim 24 recites, *inter alia*, a pictorial display including a polyhedron, a backing, and a pictorial representation therebetween. The polyhedron is formed of a transparent material and has a pair of angularly offset viewing surfaces and a pair of angularly offset display surfaces. The viewing surfaces include recesses. The backing includes first and second flanges, free edges, and planar portions. The planar portions are shaped and located to substantially respectively cover the display surfaces. The pictorial representation is viewable through the viewing surfaces of the polyhedron. The features of the present invention as recited in claim 24 are not shown or described in any one reference or any suggested combination of references thus, claim 24 is patentable.

A number of the cited references will be distinguished from claim 24 below. **Townsend** (USPN 470,222) is directed to a paper weight. The paper weight comprises a transparent slab 1 that rests within a recess formed in a frame 2. Pictures can be displayed by placing them between the slab and frame. The invention as recited in claim 24 requires a pair of angularly offset display surfaces and a pair of angularly offset viewing surfaces. **Townsend** discloses only one of each. The display and viewing surfaces, as claimed, provide for dramatic visual effects as described in the specification on page 8, lines 16-24. These visual effects are lacking in **Townsend** as it lacks the claimed display and viewing surfaces. **Partridge** (USPN 1,729,961), like **Townsend**, discloses only one display surface and only one viewing surface. There is no suggestion to modify the devices of **Townsend** or **Partridge** to form a display as required by claim 24. As a result, the invention as recited in claim 24 is allowable over both of these references, at least for the above-mentioned reasons.

Tate (USPN 3,364,603) discloses a nameplate. The nameplate includes a prism 17 and a frame 10, 12, 13, 15. The prism includes two display surfaces 18 and 20 but only one viewing surface 19. Thus, **Tate** does not provide the striking visual effects present in the invention as recited in claim 24, which requires a pair of angularly offset display surfaces and a pair of angularly offset viewing surfaces. As a result, the invention as recited in claim 24 is allowable over **Tate**, at least for the above-mentioned reason.

Cornell (USPN 3,658,413) discloses display devices. These display devices includes a base, a support rotatably mounted on the base, and a transparent polyhedron resting on the support. The support or backing has three square, planar surfaces. These surfaces lack flanges and free edges. The **Cornell** polyhedron lacks

recesses on the viewing surfaces that receive the free edges, as recited in claim 24. Consequently, the **Cornell** polyhedron is free to move in all directions with respect to the support. In the claimed invention, however, movement of the polyhedron is limited. As a result, the invention as recited in claim 24 is allowable over **Cornell**, at least for the above-mentioned reason.

Haluska (USPN 5,226,252) is directed to a photoframe keychain. As shown in FIG. 1, the keychain includes cubic body 12 and a second cube structure 20. In **Haluska**, the cubic body 12 has a top, bottom and surfaces therebetween like the polyhedron of claim 24. The cubic body 12, however, does not include viewing surfaces as the pictures are viewable through structure 20, not body 12. Body 12 is an internal structure. There is no suggestion to modify **Haluska** to form a display as required by claim 24. As a result, the invention as recited in claim 24 is allowable over **Haluska**, at least for the above-mentioned reasons.

ADDITIONAL CLAIM MATTERS

Claims 2, 5, 8, and 11 have been amended to provide proper antecedent basis for terms therein. Claims 36 and 41 have been amended to provide the proper relationship between the flanges and the slots. These corrections are clearly supported by at least the specification and drawings as originally filed and do not add new matter.

New claim 44 has been added. Claim 44 is clearly supported by at least the specification and drawings as originally filed, and does not add new matter. New claim 44 recites, *inter alia*, a pictorial display including a polyhedron, a backing, and a pictorial representation therebetween. The polyhedron is formed of a transparent material and has a **pair** of viewing surfaces and a **pair** of display

surfaces. The backing includes first and second flanges and planar portions. The planar portions are shaped and located to **substantially respectively cover** the display surfaces. In addition, the flanges are bent so that the **flanges contact a portion of the viewing surfaces to removably attach the backing to the polyhedron**. The pictorial representation is **viewable through the viewing surfaces** of the polyhedron. The features of the present invention as recited in claim 44 are not shown or described in any one reference or any suggested combination of references thus, claim 44 is patentable.

Some of the references will be distinguished from claim 44 below. As previously discussed with respect to **Townsend** and **Partridge, Townsend** and **Partridge** do not disclose a pair of display and viewing surfaces. Claim 44 requires a pair of display surfaces and a pair of viewing surfaces, which provide for dramatic visual effects. As previously discussed with respect to **Tate**, **Tate** discloses a prism with two display surfaces and only one viewing surface. **Tate** does not provide a pair of each type of surface. Thus, the striking visual effects present in the invention as recited in claim 44 are not present. **Cornell** does not disclose any flanges for removably attaching the support to the polyhedron. On the other hand, claim 44 requires that the backing includes flanges that contact a portion of the viewing surfaces to removably attach the backing to the polyhedron. Claim 44 is distinguished from **Haluska** because the cubic body 12 does not include viewing surfaces as the pictures are viewable through structure 20, as previously discussed with respect to claim 24. Claim 44 requires that a pictorial representation is viewable through the viewing surfaces of the polyhedron. There is no suggestion to modify the above references or combine them to form a display as required by claim 44. As a result, the invention as recited in claim 44 is allowable over these references, at least for the above-mentioned reasons.

Claims 2-3, 5-9, 11, 25-38, 40-41 and 45-49 are dependent on allowable claims 24, 39 or 44, and as a result contain all the limitations of an allowable claim. These dependent claims are allowable at least by virtue of their dependence on an allowable base claim. In addition, these dependent claims are allowable for the totality of features claimed therein, based on the new combinations formed with the added limitations.

CONCLUSION

The present response addressed all of the objections and rejections of the Office action. In view of the foregoing, it is respectfully submitted that all of the claims patentably distinguish over all the art of record, taken singly or in any combination, under 35 U.S.C. § 102 as well as under 35 U.S.C. §103. Entry of the Amendment, allowance of the claims, and the passing of the application to issue is earnestly solicited.

Should the Examiner believe that a discussion with applicant's attorney might expedite the resolution of any outstanding issues in this case, he is encouraged to contact the undersigned at the local telephone number listed below.

Applicant believes that a fee is due as indicated on the attached Request for Three Month Extension submitted herewith. If any other fee is due the Commissioner is authorized to charge deposit account No. 19-0031.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA. 22313 -1450, on the date indicated below:

Signature

R. Effie Hamilton

Name

R. Effie Hamilton

Date

January 29, 2004

Respectfully submitted,

SAIDMAN DesignLaw Group

Perry J. Saidman

Perry J. Saidman
Attorney for Applicant
Registration No. 26,028

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1110 Bonifant Street, Suite 510
Silver Spring, MD 20910
(301) 585-8601

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